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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,802	03/30/2001	Gautam Dewan	004073.P015	7405
32294	7590	04/08/2005	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P.			VANDERPUYE, KENNETH N	
14TH FLOOR			ART UNIT	
8000 TOWERS CRESCENT			PAPER NUMBER	
TYSONS CORNER, VA 22182			2661	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/823,802	DEWAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kenneth N Vanderpuye	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-20 and 26-35 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 13-15 and 21-25 is/are rejected.
- 7) ☐ Claim(s) 6, 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 14 is objected to because of the following informalities: Claim 14 lacks dependency. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In claims 21-25, applicant is claiming an instruction in a computer program. This is considered a data structure and a data structure per se is considered non-statutory.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-11, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gentry, Jr.(6,356,951) in view of Brown et al.(5,958,044).

With regards to claim 1, Gentry teaches a method comprising: loading an instruction(parsing instructions loaded from instruction memory) within a micro-controller(header parser), the instruction word having a plurality of fields(Fig. 23); and processing each instruction field(inherently taught, col. 13 lines 39-41)..., each instruction field related to a specific operation for parsing a packet(the parsing instructions are for parsing of particular protocol packets). What Gentry fails to teach is the processing of the plurality of instruction fields in parallel. Brown teaches instruction capable of being executed in parallel(col. 4 lines 51-53). It would have been obvious to one of ordinary skill in the art to combine Brown with Gentry for the purpose of implementing parallel processing. The motivation being to process the fields simultaneously.

Claim 2 is rejected because in Gentry, teaches packets with one of more protocol headers(col. 13 lines 30-33).

Claims 3-5 are rejected because Gentry teaches parsing instructions having routines capable of applying formats of selected protocol.(col. 14 lines 7-16).

Claims 7-11 are rejected for the same reasons as claims 1-5 in view of Gentry because in Fig. 3, the parser in the processing engine and the instruction memory is the embedded memory.

Claim 13 is rejected because official notice is taken that it is well known in the art that a micro-controller can be implemented on a chip, given advance in the area of integrated circuitry. These circuits on chips are able to run programs faster.

Claim 14 is rejected because Gentry teaches a header memory to store packets(Fig. 3).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gentry, Jr.(6,356,951) in view of Brown et al.(5,958,044) as in claim 7 and further in view of Dulong(5,560,039).

With regards to claim 15, Both Gentry and Brown fail to disclose instruction words based on VLIW architecture. This is taught by Dulong(col. 9 lines 63-67). It would have been obvious to combine this feature with

both Gentry and Brown for the purpose of enabling parallel processing capabilities

***Allowable Subject Matter***

Claims 16-20, 26-35 allowed.


Claims 6, 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth N Vanderpuye whose telephone number is 571-272-3078. The examiner can normally be reached on M-F(7:30-5:00) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KNV  
4/1/05



KENNETH VANDERPUYE  
PRIMARY EXAMINER